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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN CALLAHAN,
Plaintiff,

v.

MARK SELING., *et al.*,
Defendants.

Case No. C01-5453RBL
ORDER ADOPTING REPORT
AND RECOMMENDATION

The Court, having reviewed Defendants' Motion for Summary Judgment, the memorandum in support and attachments thereto, the remaining file, and the Report and Recommendation of the Hon. J. Kelley Arnold does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The remaining issue is **DISMISSED WITH PREJUDICE**. Plaintiff has failed to show he was punished. His placement in segregation was handled as a treatment issue and plaintiff has not shown any named defendant played any part in his placement or treatment.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for Defendants, and to Judge J. Kelley Arnold.

DATED this 7th day of October, 2005.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE